

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Fisheries Department – Allegations levelled against Sri K. Phani Prakash, the then JDF, Eluru (now retired) for failure to follow the Government instructions/guidelines as well as for violation of APCS (Conduct) Rules, 1964 in appointing Smt. S. Gayatri as Fishermen under Compassionate grounds - Disciplinary proceedings instituted under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Orders - Issued.

ANIMAL HUSBANDRY, DAIRY DEV. & FISHERIES (DY. & VIG.) DEPARTMENT

G.O.RT.No. 251

Dated: 23-09-2024

Read the following:-

- 1) From the Commissioner of Fisheries, AP., Vijayawada Letter No. 220/A1/2023-1, Dt. 12.07.2023 & 6-6-2024.
- 2) G.O Ms. No.28, AHDD&F (Dy.&Vig.) Department, Dt.23.09.2024.

ORDER:-

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub rule (2) of Rule 9 of the AP Revised Pension Rules, 1980 for instituting Departmental proceedings against Sri K. Phani Prakash, the then JDF, Eluru (now retired) for failure to follow the Government instructions/guidelines as well as for violation of APCS (Conduct) Rules, 1964 in appointing Smt. S. Gayatri as Fishermen under Compassionate grounds vide reference 2nd read above, it is proposed to hold an regular enquiry against Sri K. Phani Prakash, the then JDF, Eluru (now retired) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The statement of articles of charges and statement of imputations of misconduct and mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed Annexures I&II. A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed in Annexures III & IV.

3. Sri K. Phani Prakash, the then JDF, Eluru (now retired) is directed to submit his written statement of defence within 15 days from the date of receipt of this order.

4. Sri K. Phani Prakash, the then JDF, Eluru (now retired) is informed that an inquiry will be held only in respect of those Articles of Charges which are not admitted. He should, therefore, specifically admit or deny each Article of charge.

5. Sri K. Phani Prakash, the then JDF, Eluru (now retired) is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

(P.T.O)

6. Attention of Sri K. Phani Prakash, the then JDF, Eluru (now retired) is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that above said Sri K. Phani Prakash, the then JDF, Eluru (now retired) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the G.O shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

To
Sri K. Phani Prakash, the then JDF, Eluru (now retired)- through the Commissioner
of Fisheries, AP., Vijayawada

Copy to:

The Commissioner of Fisheries, AP., Vijayawada (with a request to serve the order & obtain the dated acknowledgement and furnish the same).

Sc/Sfs.

//FORWARDED:: BY ORDER//

SECTION OFFICER

(Annexure to G.O Rt No. 251, AHDD&F(Dy.&Vig.) Dept., Dt.23.09.2024.)

ANEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI K. PHANI PRAKASH, THE THEN JDF, ELURU (NOW RETIRED)

That Sri K.Phani Prakash, former Joint Director of Fisheries, Eluru has joined in Government Service on 18.08.1992 as Inspector of Fisheries in Zone-II, and worked in various stations in said capacity in Zone-II. Subsequently, he was promoted as Asst. Director of Fisheries and Deputy Director of Fisheries and Joint Director of Fisheries worked in the said capacities at various stations. Later he was holding Full Additional Charge to the post of Joint Director of Fisheries, Eluru. Now, he was retired from service on attaining the age of superannuation of 60 years on 31.03.2021 as Joint Director of Fisheries, Visakhapatnam. While functioning in the capacity of Joint Director of Fisheries, Eluru from 29.07.2019 to 10.01.2020, aforesaid said period in the said capacity, he committed irregularities in misusing the powers and violation of Government rules and issued orders in appointing Smt. S.Gayatri as Fishermen by way of wrongful compassionate appointment in as much as:

Article of Charge: That the said Sri K.Phani Prakash, the then Joint Director of Fisheries, Eluru (now retired), during the tenure of JDF, Eluru from 29.07.2019 to 10.01.2020, has failed to follow the Government instructions/guidelines as well as Conduct Rules, in appointing Smt S.Gayatri as Fishermen under compassionate grounds. Smt. S.Gayatri is 2nd wife's married daughter of deceased Government Servant and she is not eligible for compassionate appointment. It is a clear case of dereliction of duty, wilful negligence in discharging official legitimate duties on the part of the said officer.

Thus, Sri K.Phani Prakash, the then Joint Director of Fisheries, Eluru (now retired) by his above mentioned acts, exhibited lack of integrity, devotion to duty, conduct unbecoming of Government Servant in violation to the provisions under rule 3 (1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

ANNEXURE-II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI K. PHANI PRAKASH, THE THEN JDF, ELURU (NOW RETIRED)

As per the directions of the Hon'ble Court dated 27.10.2022 in WP No. 23703/2022, the District Collector i.e., 4th Respondent has issued speaking orders vide

(Conti...4)

Lr. No. Collector & District Magistrate, Eluru District, Eluru Lr. No. A.4/1907/2016(Fisheries), dated 17.06.2023.

Objection No.1: The objection filed by the Writ petitioners regarding conduct of crime investigation of tampering the Government maintained service record and forging the signature of her deceased father and also their signature to give benefit to unknown persons which is not admissible as the petitioner has not filed any objection to the Family Member Certificate and no earning member certificate issued by the Tahsildar, Eluru dt.7.11.2019 and also to the Notary affidavit dt. 19.11.2010 and simply they are stating that they don't know anything about all these authorized documents. If they felt that tampering of SR and signatures of her father forged by unknown persons, they could have filed a criminal case against the unknown persons, but they neither filed a criminal Case nor approached the Hon'ble court of law until 2022 (i.e., Spandana petition). Now also the Writ Petitioners can file a complaint on the suspected individuals in local Police Station and if any employee is involved as per prima-facie enquiry the police can proceed further investigation in the matter as per existing rules and procedure.

Objection No:2: Regarding Providing Job to the Writ Petitioner No.1 i.e., Smt. Bondada Lakshmi Kalayani, the following facts were came into the light during the hearing.

As per the deposition of the Respondent No.5 & 6, the deceased employee Sri Chennavarapu Raghavulu performed Second marriage with Smt. Bhaskaramma while in service even he already has wife namely Smt. Ch. Mahalakshmi and children.

According to Rule 25 of Conduct Rules 1964 :

"No Government Employee who has a wife living shall contract another marriage without first obtaining the permission of the Government, Not withstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him".

However, on production of all certificates including No-Objection affidavit which is Notarized to the appointing authority i.e., Joint Director, Fisheries by Smt. S. Gayathri (2nd Wife's daughter), an appointment has been made to the individual even though the individual already married as on date of death of her father which is contrary to Government Memo. No.406 /10/A.1/ Admn.II/ 2004, dt:20.03.2004.

(Conti..5)

The Government have issued clarification vide Memo. No. 406/10/A.1/Admn.11/2004, dt:20.03.2004 that:

"Once marriage is performed, a daughter is not dependent on her father/mother even if she is un- employee or her husband's un- employee. A married daughter is dependent on her father/mother, if she is living with her father/mother when her husband deserts her or disappears for years together or dies. In all such cases, the husband should not have left any property/income to his wife and the married daughter is solely dependent on the support provided by her father/ mother and is an un-employee".

In this instant Case, the Respondent No.6 i.e., Smt. Sajjavarapu Gayatri got married to Sri. Sajjavarapu Merriyya prior to the death of her father and leading life with her husband as per her deposition and it is clear that she is not a dependent on her father Sri. Chennaparapu Raghavulu and the fisheries officials i.e., Sri. K.Phani Prakash, JD, Fisheries and Sri. V. Tirupataiah, DD, Fisheries failed to follow the Government guidelines issued above.

In view of the above, the compassionate appointment given to Smt. S. Gayathri is contrary to the Government instructions. Hence, the District Collector, Eluru has requested the Commissioner of Fisheries, Vijayawada to take necessary action on the compassionate appointment in consultation with the Government as per the rules in vogue.

On the other hand, the Writ Petitioners also not entitled to get Job under compassionate appointment as per the same Government Memo No.406 / 10/A.1/Admn-II/2004, dt: 20.03.2004, as they are also married at the time of demise of their father and living with their husband and not a dependent on their father as per their depositions. Hence, the request made by the Spandana Petitioner and the Writ Petitioner No.1 herein i.e., Smt. B.Lakshmi Kalyani and Writ petitioner No.2 i.e., Smt. Challaguruvula Durga deserves no consideration.

In view of the speaking orders issued by the District Collector, Eluru, Government has been requested to initiate disciplinary action against Sri K.Phani Prakash, JD, Fisheries (Retd) and Sri V.Tirupathaiah the then DDF, Bhimavaram (i/c) presently working as ADF, Manyam District who are directly involved in processing the proposals of wrongful compassionate appointment and issued orders.

Thus, Sri K.Phani Prakash, Joint Director of Fisheries (now retired) has intentionally and wilfully not followed the Government instructions/guidelines in processing the files of compassionate appointment which leads to ineligible persons appointed under compassionate grounds which is grave irregularity committed by the

(Conti...6)

then JDF. It is a clear case of dereliction of duty wilful act of negligence and on the part of said officer. Thus, exhibited lack of integrity, devotion to duty, conduct unbecoming of Government Servant in violation to the provisions under rule 3 (1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, the charge.

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI K. PHANI PRAKASH, THE THEN JDF, ELURU (NOW RETIRED) ARE PROPOSED TO BE SUSTAINED.

-o0o-

1. Letter from Collector & District Magistrate, Eluru District, Eluru Lr. No. A.4/1907/ 2016(Fisheries), dated 17.06.2023.
2. Speaking order from Collector & District Magistrate, Eluru District, Eluru Lr. No. A.4/1907/2016(Fisheries), dated 17.06.2023.
3. Govt. Memo No. 2165962/Dy. & Vig (2)/2023, dated 20.05.2024.
4. Rule 25 of the AP CS (Conduct) Rules, 1964.
5. Govt. Memo No. 2166322/Fish/A.1/2023, dated 11.01.2024.
6. Government Memo. No.406/10/A.1/ Admn.II/2004, dt:20.03.2004.

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE FRAMED AGAINST SRI K. PHANI PRAKASH, THE THEN JDF, ELURU (NOW RETIRED) ARE PROPOSED TO BE SUSTAINED

-NIL-

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)